IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.718 OF 2005
IN
SECOND APPEAL NO.135 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

Mr.A.L.Patki for applicant
None for respondent

CORAM : P.V.KAKADE, J.

DATE : 16TH SEPTEMBER, 2005

P.C.:

1. Heard the learned advocate for the applicant. None appears for the respondent though duly served. This application is filed by the appellant-applicant for Stay of the Order of the lower appellate court by which the order of the lower court was confirmed to the effect that appellants were directed to transfer the suit property in the name

of the plaintiff by executing the sale deed after obtaining the necessary permission from the competent authority and plaintiff was directed to pay the sale price of Rs.80,000/= to the defendant no.2 with expenses incurred for the sale deed. The decree was confirmed by the lower appellate court and hence the appeal came to be filed. Pending the appeal the appellants were protected by interim order. The appeal is admitted.

2. The record shows that the important substantial question of law is involved in this appeal in respect of the exercise of right of pre-emption in respect of the suit property. Under these circumstances, I am of the view that the decree needs to be Stayed pending the appeal. Hence the application is made absolute in terms of prayer clause (a) and stands disposed of with no order as to costs.